

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GUARANTEE ELECTRICAL)
CONSTRUCTION COMPANY,)
)
Plaintiff,)
)
vs.) Case No. 4:05 CV 849 JCH
)
LVC TECHNOLOGIES, INC., and)
GENERAL MOTORS, CORPORATION,)
)
Defendants/Crossclaimants.)

ORDER

This matter is before the Court on LVC's Motion for Leave to Amend Count V of its Cross-Claim (Doc. No. 44) and GM's Motion to Amend the Case Management Order (Doc. No. 49).

On April 10, 2006, the Court granted LVC leave to amend its cross-claim for fraud. (Doc. No. 42). As ordered, LVC filed this amended cross-claim on April 25, 2006. Also on April 25, 2006, LVC requested leave to amend Count V, its cross-claim for negligent misrepresentation. (Doc. No. 44). LVC filed its First Amended Cross-Claim, which included the amended claims for fraud and negligent misrepresentation, on April 25, 2006. (Doc. No. 46). On May 8, 2006, GM responded that it opposes LVC's motion for leave to amend the cross-claim for negligent misrepresentation, unless the Court amends the case management order, extending most deadlines by several months. (Doc. Nos. 48, 49). The deadline for dispositive motions is May 19, 2006.

After careful consideration of the briefs, the Court denies both motions. As the First Amended Cross-Claim contains the amended claim for negligent misrepresentation that the Court

denies, LVC must now file a Second Amended Cross-Claim. This Second Amended Cross-Claim shall contain the amended cross-claim for fraud, but may not include the amended cross-claim for negligent misrepresentation. It may contain the cross-claim for negligent misrepresentation that was included in LVC's Amended Cross-Claim. (Doc. No. 32).

IT IS HEREBY ORDERED that LVC's Motion for Leave to Amend Count V (Doc. No. 44) is **DENIED**.

IT IS FURTHER ORDERED that GM's Motion to Amend the Case Management Order (Doc. No. 49) is **DENIED**.

IT IS FURTHER ORDERED that LVC is to file a Second Amended Cross-Claim by **5 p.m.** **on Tuesday, May 23, 2006** in accordance with this Order.

Dated this 19th day of May, 2006

/s/ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE